



**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

BARBARA SEAMAN, individually on behalf of  
herself and all others similarly situated,

Plaintiff,

V.

S. MARTINELLI & CO.,

Defendant.

[illegible]

Case No. 1:24-cv-03944-RER-RML

**AFFIRMATION IN SUPPORT  
OF REQUEST FOR  
CERTIFICATE OF DEFAULT**

Daniel Markowitz hereby declares as follows:

1. I am an attorney at the law firm Sultz & Lipari, PLLC, counsel for Plaintiff and those similarly situated (hereinafter collectively “Plaintiffs”) in the above-captioned action. I have personal knowledge of the facts set forth in this Affirmation and would testify as to them in a court of law if required to do so. I respectfully submit this Affirmation in support of Plaintiffs’ request for certificate of default.

2. This action was commenced pursuant to the filing of a summons and complaint on May 31, 2024 (**Exhibit “A”**). The summons was returned executed on June 6, 2024, indicating service had been completed that day (**Exhibit “B”**).

3. The time for Defendant, S. MARTINELLI & CO. (hereinafter “Defendant”), to answer or otherwise move with respect to the complaint herein expired on June 27, 2024 (**Exhibit “B”**).

4. Defendant has not answered or otherwise moved with respect to the complaint, and the time for Defendant to answer or otherwise move has not been extended.

5. That Defendant is not an infant or incompetent as Defendant is a corporation with adult and competent representatives on its behalf. Defendant is not presently in the military service of the United States as appears from facts in this litigation as named Defendant is a corporation.

6. Defendant is indebted to Plaintiffs, in an amount to be determined at an inquest hearing by the Court to determine damages.

WHEREFORE, Plaintiffs request that the default of Defendant be noted and a certificate of default issued.

I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge.

Dated: September 11, 2024

**SULTZER & LIPARI, PLLC**

By: \_\_\_\_\_



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